

## **Division VIII of Title 5 of the California Code of Regulations**

### **Proposed Amendments to California Code of Regulations, Title 5, §80440 Pertaining to Date of Issuance of Credentials and §80443 Pertaining to Processing Time for Credentials and Permits**

#### **Initial Statement of Reasons**

##### **Rationale for Proposed Regulations**

Assembly Bill (AB) 469 (Chap. 133, Stats. 2007) amended Education Code section 44350 to require the Commission to process an application within 50 business days of receipt. This is a reduction of the previous regulatory mandate of 75 working days. The new timeline pertains to all applications, whether submitted online or by paper through the U.S. mail. The only exceptions to the 50-day processing timeline are applications submitted by individuals who must undergo a Commission fitness review.

Another provision of AB 469 requires school districts, county offices of education, nonpublic schools, charter schools, colleges and universities to submit application packets to the Commission no more than three months after the requested issuance date for the document. This is a reduction of the previous four month timeline. This provision pertains to all applications, submitted online or through the U.S. mail, regardless of whether the application is accompanied by fingerprint cards. A document for an application received more than three months after the requested issuance date will be issued effective the date the application is received at the Commission provided all requirements for the document have been met.

##### **Proposed Amendments to Title 5 Regulations**

###### **Section 80440**

§80440(a)(2) Education Code section 44350 requires the submission of an application to the Commission not more than three months after the requested issuance date of the document. Staff is proposing that the language pertaining to the submission of applications be changed from four months to three months. Staff is also proposing the deletion of the language pertaining to the submission of applications in forty-five working days for individuals who do not have fingerprint clearance on file at the Commission.

§80440(b) Education Code section 44350 requires the submission of an application to the Commission not more than three months after the requested issuance date of the document. Staff is proposing that the language pertaining to the submission of applications be changed from four months to three months. Staff is also proposing the deletion of the language pertaining to the submission of applications in forty-five working days for individuals who do not have fingerprint clearance on file at the Commission.

§80440(c)(2) Staff proposes that the submission timeline for renewal applications be changed from four months to three months.

### **Section 80443**

§80443(a)(1) Staff proposes that 75 working days for the processing of applications be changed to 50 business days to align with Education Code section 44350. Staff also proposes deletion of the language pertaining to the return of incomplete applications, as all applications will be processed in 50 business days.

§80443(a)(2) Staff proposes that the language concerning maximum processing times be deleted, as it provides outdated information.

§80443(b)-(d) Staff proposes deletion of these subsections due to the repeal of the Permit Reform Act of 1981 (Government Codes sections 15374 – 15378, which was the statutory authority for these provisions). (Chap. 229, Stats 2003, section 1.8 (AB 1757).)

### **Documents Relied Upon in Preparing Regulations:**

The Commission did not rely upon any technical, theoretical or empirical studies, reports or documents in proposing the adoption of these regulations amendments.

### **Consideration of Alternatives**

The Commission must determine that no alternative considered will be more effective in carrying out the purpose for which the action is proposed or will be as effective and less burdensome to affected private persons or small businesses than the proposed actions. These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with section 17500) of the Government Code.